

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
GHEORGHE PETRE,

Plaintiff,

-against-

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.
-----X

JUDGMENT
08-CV- 1738 (ARR)

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E.D.N.Y.
★ NOV - 2 2009 ★

P.M. _____
TIME A.M. _____

An Order of Honorable Allyne R. Ross, United States District Judge, having been filed on October 30, 2009, granting the defendant's motion to dismiss, because plaintiff's claim is unexhausted, and because there has been no demonstration of an implied or explicit waiver by the Commissioner; and dismissing plaintiff's claim without prejudice to refiling if the Commissioner renders a final decision adverse to plaintiff; it is

ORDERED and ADJUDGED that the defendant's motion to dismiss is granted, because plaintiff's claim is unexhausted, and because there has been no demonstration of an implied or explicit waiver by the Commissioner; and that plaintiff's claim is dismissed without prejudice to refiling if the Commissioner renders a final decision adverse to plaintiff.

Dated: Brooklyn, New York
November 02, 2009

ROBERT C. HEINEMANN
Clerk of Court

By S/ Terry Vaughn
Chief Deputy.